

## **REMARKS**

Claims 1-10 and 14-21 have been canceled. Claims 11-13, 22, 24-29, 32, 34, 36-37, 40, and 42 have been amended to clarify the subject matter regarded as the invention. Claims 11-13, 22, and 24-43 are pending.

### ***Claim Rejections – 35 U.S.C. §101***

Claim 28 has been amended in a manner that is believed to overcome the rejection under 35 U.S.C. §101. As Claims 29-35 depend from Claim 28, their rejections under 35 U.S.C. §101 are therefore also believed to have been overcome.

### ***Claim Rejections – 35 U.S.C. §102(e)***

The Examiner has rejected Claims 11-13, 22, and 24-43 under 35 U.S.C. §102(e) as being anticipated by Woolston (U.S. Pat. No. 5,845,265). The rejections are respectfully traversed.

As amended, independent Claims 22, 28, and 36 recite receiving a market protocol that includes “a first market phase” and “a succeeding phase,” both of which are defined “by one or more user selectable trading primitives that dictate the behavior of one or more components in a programmable auction server.”

Woolston does not disclose the multi-phase protocol recited in independent Claims 22, 28, and 36, and those independent claims are therefore believed to be allowable. Claims 11-13, 24-27, 29-35, and 37-43 depend, either directly or indirectly from one of the aforementioned claims and therefore also believed to be allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



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